

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

vs.

ERIC BARROW,

Defendant.

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Criminal Action No. 09-00179-KD-M

ORDER

This matter is before the Court on the Defendant's "Motion to Declare 18 U.S.C. § 2251(a) Unconstitutional as Applied to Eric Barrow in this Case" (Doc. 80) and the Government's Response (Doc. 84).

Defendant Barrow -- who in May 2010 plead guilty to a four (4) count indictment charging possession, distribution and production of child pornography -- now requests that the Court declare unconstitutional 18 U.S.C. § 2251(a) and the related penalty provision 18 U.S.C. § 2251(e). In so doing, Defendant Barrow claims that the mandatory minimum sentence of fifteen (15) years is unconstitutional because "such a sentence is cruel and unusual and in violated [sic] of the Eighth Amendment[.]" (Doc. 80 at 2-3). Upon consideration, for those reasons stated in the Government's Response (Doc. 84), Defendant Barrow's motion is due to be denied.

Accordingly, it is **ORDERED** that the Defendant's "Motion to Declare 18 U.S.C. § 2251(a) Unconstitutional as Applied to Eric Barrow in this Case" (Doc. 80) is **DENIED**.

DONE and ORDERED this the 25th day of **January 2011**.

/s/ Kristi K. DuBose

KRISTI K. DuBOSE

UNITED STATES DISTRICT JUDGE